

REMARKS

Claims pending in the instant application are numbered 88, 89, 91, 92, 97-99 and 101-125. Claims 88, 89, 91, 92, 97-99 and 101-125 presently stand rejected. Claims 88, 97, 101 and 116 have been amended. The Applicants respectfully request reconsideration of the present application in view of the amendments and the following remarks.

Applicants request Examiner to consider IDS filed on June 5, 2003

The Applicants respectfully request the Examiner to consider the Information Disclosure Statement (IDS) filed on June 5, 2003, and provide the Applicants with a copy of Form PTO-1449 signed by the Examiner. If the IDS is defective in any manner, please contact the Applicants' below named representative immediately.

35 U.S.C. § 102 and § 103 Rejections

Claims 88, 89, 91, 92, 97-99 and 101-125 are rejected under 102(b) as being anticipated by Yasuda et al., U.S. Patent Number 4,947,398. Claims 110 and 114 are rejected under 35 § U.S.C. 103(a) as being unpatentable over Yasuda.

Claim 1 as presently amended expressly recites "wherein the second plurality of transmission peaks to have one more or one fewer peaks than the first plurality of transmission peaks within said wavelength range." The Examiner's attention is respectfully drawn to at least pages 15-16 of the specification and Figure 4. The channel selector and the grid generator each produce a plurality of transmission peaks within the selected wavelength grid. The channel selector exhibits substantially the same number of periodic peaks within the wavelength grid as does the grid generator, but they differ in periodicity. As shown in

Figure 4, the passbands of the grid generator and the channel selector are aligned at three locations 460, but only one location is within the selected wavelength grid (at approximately 1549.5 nm).

Yasuda is directed to a laser device with wavelength stabilization control. Yasuda discloses a course tuning etalon 4 and a fine tuning etalon 5. The free spectral range FSR1 of course tuning etalon 4 must be wide enough to ensure only one of the wavelengths at peaks of the transmission of etalon 4 falls within the gain region of the laser medium (col. 3, lines 50-55). Thus, Yasuda expressly discloses no more than one peak within the wavelength range of the laser, while the presently claimed invention expressly claims the grid generator and the channel selector to each generate a plurality of transmission peaks within the wavelength range.

Thus, Yasuda fails to disclose, teach or fairly suggest “wherein the second plurality of transmission peaks to have one more or one fewer peaks than the first plurality of transmission peaks within said wavelength range” as expressly claimed in the Applicants’ invention.

Thus, Yasuda fails to disclose, teach or fairly suggest at least one or more expressly recited elements of the Applicants’ presently claimed invention. Therefore, the presently claimed invention would not be anticipated nor rendered obvious by Yasuda. Independent claims 97, 101 and 116 distinguish for the same reasons as claim 88. Claims 89, 91-92, 98-99, 102-115, 117-125 are dependent claims and distinguish for at least the same reasons as their respective independent base claims in addition to adding further limitations of their own.

Conflicting Claims

The Examiner notes on page 5 of the instant Office Action that claims 88, 89, 91, 92, 97-99 and 101-125 of this application conflict with claims 1-28 and 33-36 of Application No. 10/087728 (Attorney Docket P14868C) and claims 1-17, 19-34 and 36-54 of Application No. 10/099649 (Attorney Docket P14868X.) The applications have been amended with the intention to resolve the conflicts.

Conclusion

The Applicants submit that in view of the remarks and amendments set forth herein, all pending claims are in condition for allowance. Therefore, the Applicants respectfully request the Examiner to issue a Notice of Allowance in this case

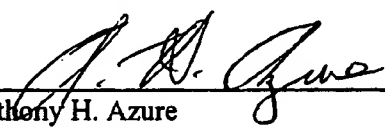
Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 10-31-03



Anthony H. Azure
Reg. No. 52,580
Phone: (206)-292-8600

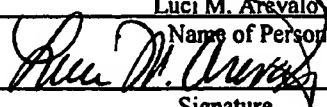
FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450

on October 31, 2003

Date of Deposit

Luci M. Arevalo

Name of Person Mailing Correspondence
 October 31, 2003

Signature Date

42P14868
Serial No. 09/626,526

Examiner: Jackson, C.
Art Unit: 2828